

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALFRED SMITH, JR. AND CURRIE
SMITH

Plaintiffs,

v.

CENTRAL MUTUAL INSURANCE
COMPANY, JAMES DAVID BORUK,
JR., AND MICHAEL TREVINO

Defendants.

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CIVIL ACTION NO. 4:17-cv-03016

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiffs, Alfred Smith Jr. and Currie Smith (“Plaintiffs”), and Defendants, Central Mutual Insurance Company, James David Boruk, Jr., and Michael Trevino (“Defendants”), jointly move to dismiss with prejudice all claims which either Plaintiffs or Defendants have asserted, or could have asserted, against each other in this lawsuit. In support of this motion, Plaintiffs and Defendants would show the following:

1.

Plaintiffs and Defendants would show that a settlement has been reached between them as to all claims and causes of action which they have asserted against each other in this lawsuit. As Plaintiffs and Defendants have settled all issues in this lawsuit as relating between them, Plaintiffs and Defendants would now jointly move the Court to dismiss all claims Plaintiffs have asserted, or could have asserted, against Defendants in this lawsuit, with prejudice to the refiling of same, and to dismiss all claims which Defendants have asserted, or could have asserted against Plaintiffs in this lawsuit, with prejudice to the refiling of same.

For all of the above reasons, Plaintiffs, Alfred Smith Jr. and Currie Smith, and Defendants,

Central Mutual Insurance Company, James David Boruk, Jr., and Michael Trevino, request this motion be granted in its entirety, and that this Court enter an order dismissing all claims which Plaintiffs have or could have asserted against Defendants in this lawsuit, with prejudice to the refiling of same, and dismissing all claims which Defendants have or could have asserted against Plaintiffs in this lawsuit, with prejudice to the refiling of same, with all costs of court to be borne by those parties who incurred them.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on November 2, 2017, I electronically filed the foregoing document

with the clerk of court for the U. S. District Court, Southern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means: Bill Youngkin and Matthew D. Sharpe, attorneys for Plaintiffs.

/S/Russell J. Bowman

Russell J. Bowman